

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, LP

Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley
Magistrate Judge Stephen Crocker

ENBRIDGE ENERGY, LP

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

**DECLARATION OF PBF ENERGY, INC. IN SUPPORT OF ENBRIDGE'S
OPPOSITION TO MOTION FOR INJUNCTION**

I, Matthew C. Lucey, have personal knowledge of the following and make this declaration in support of Enbridge Energy, Limited Partnership's ("Enbridge") opposition to Plaintiffs motion for injunction:

1. My business address is One Sylvan Way, 2nd Fl., Parsippany, New Jersey 07054. My current position is President of PBF Energy Inc. ("PBF Energy").

2. PBF Energy is an independent petroleum refiner and supplier of unbranded transportation fuels, heating oil, petrochemical feedstocks, lubricants and other petroleum products in the United States. The company currently owns and operates six domestic oil refineries in five states – Ohio, Delaware, New Jersey, Louisiana and California - and related logistics assets with a combined processing capacity of approximately one million barrels per day. As of December 31, 2022, PBF Energy employed more than 3,616 people nationally.

3. Toledo Refining Company LLC is a subsidiary of PBF Energy.

4. PBF Energy's Toledo refinery is a major economic engine for Ohio and Southern Michigan more broadly. As of December 31, 2022, the facility employed over 490 full-time workers, and has historically had as many as 600 contractors working there, which can increase to more than 1,500 during major projects. The Northwest Ohio Building & Construction Trades Council has publicly stated that the Toledo Refinery alone is responsible for more than one million hours of employment each year.

5. As a result of any injunction concerning Line 5's operation, future crude oil deliveries via Enbridge's pipeline system to PBF Energy, Inc., and others will be curtailed by as much as 60% of typical shipment volumes.

6. Crude oil transported via Line 5 is critical to support the operations of PBF Energy's Toledo Refinery and other Northwest Ohio fuel manufacturers that typically produce:

- a. 30 percent of Ohio's gasoline and 42 percent of Southeastern Michigan's gasoline;
- b. 35 percent of Ohio's diesel and 14 percent of non-jet diesel for Southeastern Michigan; and
- c. The majority of the fuel to the Detroit Airport. Northwest Ohio's refiners are also major suppliers to the Pittsburgh, Pennsylvania, Indianapolis, Indiana, Akron, Dayton, Columbus and Cleveland.

7. As a result of any injunction, PBF Energy's Toledo Refinery, several other regional fuel manufacturers, and, ultimately, workers and consumers in Michigan, Ohio, and throughout the Midwest, would be irreparably harmed. This harm arises because there are no prudent and feasible alternatives to Line 5 that can economically supply the needed quantity of crude oil to regional refineries. Any alternatives would take years to construct, leading to inevitable refined product shortages and price increases.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on this 15th day of May, 2023.

